

January 22, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room CY-B402  
Washington, DC 20544

Re: ***Notice of Ex Parte Presentation***  
**CC Docket Nos. 96-262 and 01-92**

Dear Ms. Dortch:

In accordance with Commission rules, this will provide notice that Arunas A. Chesonis, CEO of PAETEC Communications, Inc. ("PAETEC"); Richard Ottalagana, Executive Vice President; J.T. Ambrosi, Vice President of Carrier & Government Relations; and the undersigned met with Christopher Libertelli, Senior Legal Advisor to Chairman Michael K. Powell, on January 21, 2004. We provided an overview of PAETEC's business success story using the enclosed materials, copies of which were distributed at the meeting. PAETEC emphasized the importance of clarity, certainty, and adequate advance notice of any changes in the intercarrier compensation regime, to allow carriers an opportunity to adjust their business plans, budgets, commercial and network arrangements accordingly. If the Commission finds it necessary to address CLEC-CMRS 8YY traffic in advance of other pending intercarrier compensation issues, we urge the Commission to do so fully prospectively, effective no earlier than the final benchmark reduction to ILEC rates scheduled for June 2004. To do otherwise would work significant harm to companies like PAETEC who have been carrying this type of traffic for years in reasonable reliance on their interpretation of prior Commission decisions. In addition, an abrupt termination of existing routing arrangements could cause short-term service disruption for CMRS users. Finally, changing the rules through a purported retroactive "clarification" would subject the Commission's action to judicial challenge and thus further uncertainty.

Respectfully submitted,

  
John B. Messenger  
Vice President & Associate General Counsel  
PAETEC Communications, Inc.

cc: Jason Williams